

SENATE BILL 1252

FEHA: HOUSING TECHNICAL REVISIONS

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Summary

This measure would amend the Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900, et seq.) to make technical revisions to several provisions pertaining to housing.

Background

DFEH is the state agency responsible for enforcing the FEHA and other civil rights laws, including the Unruh Civil Rights Act, the Ralph Civil Rights Act, and the Disabled Persons Act. The DFEH has identified the following FEHA-related issues in need of clarification and revision.

(1) Pursuant to a work-share agreement between the DFEH and the U.S. Department of Housing and Urban Development (HUD), the FEHA must remain substantially equivalent to the Federal Housing Amendments Act (FHAA) for the DFEH to remain certified to receive complaint referrals, and funding, from HUD. Recent amendments to the FHAA have increased the cap on civil penalties available in housing discrimination cases litigated administratively under the FHAA. The cap on civil penalties available in administrative housing cases brought under the FEHA has not been raised in recent years to conform to the federal cap.

(2) SB 1098 (Burton), Statutes of 1999, Chapter 590, amended Government Code section 12955 to prohibit discrimination in housing on the basis of a person's source of income until January 1, 2005.

SB 1145 (Burton), Statutes of 2004, Chapter 568, deleted the sunset provision for the inclusion of "source of income" as a protected basis for housing, permanently adding "source of income" to the protected classes listed in section 12955.

However, the lists of protected characteristics in related FEHA housing provisions were not amended to also include "source of income."

(3) State law prohibits housing discrimination on the basis of age; federal law does not. A housing provider that imposes admission preferences based on age, in compliance with a federally-approved housing program, violates state law prohibitions against age discrimination in housing.

Solution

(1) Amend the FEHA to conform the civil penalty caps provided for in Government Code section 12987 to those currently stated in the federal FHAA.

(2) Make technical revisions to add "source of income" to the list of protected characteristics in Government Code sections 12920, 12921, and 12955.8.

(3) Amend Civil Code sections 51.2 and 51.10 and Government Code section 12955 to clarify that admission preferences based on age, imposed in connection with a federally-approved housing program, do not constitute age discrimination in housing.

Support

Department of Fair Employment and Housing
(sponsor)

FOR MORE INFORMATION

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